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C O N F I D E N T I A L SECTION 01 OF 02 SUVA 000534

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TAGS: [PREL](#) [PGOV](#) [MARR](#) [PHUM](#) [FJ](#)
SUBJECT: FIJI: ASSASSINATION PLOT UPDATE; PEOPLE'S CHARTER;
JUDICIAL CONFERENCE CONCERNS; FISCAL RATING STABILIZES

REF: SUVA 526

Classified By: Amb. Dinger. Sec. 1.4 (B,D).

Summary

1. (C) Accused assassination plotter Ballu Khan is now formally in police custody. He was hospitalized for 11 days after suffering skull fractures during arrest. We hear at least one of those detained for the plot has indicated contingency plans are still in place for action against the interim government (IG). Interim PM Bainimarama is backing away from a dialogue with deposed PM Qarase. Invitations reportedly are being sent out to those who are slotted to assist in the People's Charter process. A military spokesman gave further indication that the IG intends major constitutional changes without engaging in the formal amendment process. A Pacific judges conference in Tonga discussed Fiji. The Chair expressed concern publicly that the IG is pressuring Fiji judges. The conference has proposed a distinguished American judge to collaborate with the Forum-Fiji working group on judicial independence issues. A Fiji NGO used that stimulus to renew the call for the IG to accept a visit from a UN Special Rapporteur on the judiciary. Standard and Poors no longer sees Fiji's fiscal situation as potentially plummeting. It is weak but "stable." The IG has trumpeted that judgment as confirmation its economic policies are working. End summary.

Assassination plot update

2. (U) Fiji businessman and New Zealand citizen Ballu Khan, who was beaten by security officers while being arrested on Nov. 3, finally left the hospital on Nov. 14. Police Commissioner Teleni had stated publicly that Khan's injuries were minor, but an independent medical examination described two fractures to his skull and internal injuries. Teleni late last week had promised the NZ High Commission daily access to Khan in the hospital, but that didn't happen. Police took Khan directly from the hospital to interrogation. Criminal charges are expected shortly. Meanwhile security teams, some of them reportedly armed, are searching known Khan properties and other locations for arms and ammunition. Police say they have found some ammo at two un-disclosed locations.

3. (C) We hear from a military source that when an officer entered a cell to interrogate one of those accused in the assassination plot, the response was spit in the face and a threat: "You think this is over? It isn't over." The accused added, "Don't you think we had contingency plans in place?" The military source said senior RFMF officers, who

have professed publicly that everything is under control, are very concerned about ethnic-Fijian hotbeds, particularly Naitasiri and Tailevu Provinces (not far from Suva), and are monitoring those areas closely.

Bainimarama, Qarase, and the People's Charter

¶4. (U) Deposed PM Qarase told the media again this week that he wants to begin a dialogue with Bainimarama on moving Fiji back to democracy. Qarase also made clear he is prepared to lead his SDL party into elections. At the time of the Pacific Islands Forum in Tonga last month, Bainimarama indicated he was ready to talk. This week he was negative, saying Qarase just wants to regain power. Bainimarama said the best way for Qarase and his SDL Party to contribute is to participate in the People's Charter process. Reportedly, President Iloilo signed invitation letters this week to those invited to be on the People's Charter committee. In the letters Iloilo said he is pleading with Australia and New Zealand to lift visa bans for those who take People's Charter roles. Military spokesman Tikoitoga made clear this week the RFMF belief that changes in Fiji's election system "need to be made now," and can't wait until after the 2009 elections. (Note: under the Fiji Constitution, the only legal avenue for such changes is via the (now suspended) Parliament undertaking constitutional amendments.)

Pacific judicial conference addresses Fiji

¶5. (C) The Pacific Judicial Conference held in Tonga last week discussed Fiji repeatedly. All judges were concerned about interim government (IG) pressures against judicial independence, though not all were ready to pass a resolution

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on the issue. In the end, the Conference Chair, Tonga Chief Justice Ford, made a public statement of concern, noting "the feedback we're getting from Fiji is that some judges have come under pressure in breach of the principle of judicial independence." Ford announced that the Conference had chosen a distinguished American judge, retired 9th Circuit Chief Justice Clifford Wallace, to attempt to assist the Fiji judiciary. The Conference has written to Pacific Islands Forum (PIF) Secretary General Urwin proposing that Judge Wallace collaborate with the PIF-Fiji Working Group on the judicial-independence issue. In response to CJ Ford's media statement, Fiji Law Society President Fa said the Society "has not come across any judgment that gives concern that justice has not been done." Embassy Suva has played a behind-the-scenes role in encouraging Ford and Wallace to tackle Fiji judiciary issues.

Renewed call for UN Special Rapporteur

¶6. (SBU) The Tonga judicial conference prompted Fiji NGO activist Angie Heffernan to renew the call for the IG to permit the UN Special Rapporteur on the Independence of Judges and Lawyers to undertake an investigation in Fiji. Interim Attorney General Sayed-Khaiyum has been stalling any response to the UN request since last June. Sayed-Khaiyum also has repeatedly delayed announcement of a three-person panel of distinguished international jurists that is to investigate IG claims of malfeasance against Chief Justice Fatiaki, who has been suspended since January. Under an agreement with the EU, the IG was to get that investigation under way no later than July. For a while, Sayed-Khaiyum said charges were ready, pending finding the right jurists. Lately he claims to have the jurists lined up but is awaiting the drafting of charges.

Standard and Poors re-rates Fiji

¶7. (SBU) Bainimarama and Interim Finance Minister Chaudhry trumpeted the decision by Standard and Poors to change their outlook on Fiji from "negative" to "stable" (Fiji's credit rating did not change.) They said the S&P action was a vote

of confidence in the IG's economic policies. In a press statement, Bainimarama said "the announcement by S&P shows a very positive outlook for Fiji contrary to the negative comments by academics and others." Kyran Curry, the Australian analyst who led the review of Fiji for S&P, told us the rating agency's assessment "is not quite as optimistic as is being reported in the local media." He said the decision to describe the fiscal outlook as "stable" is largely based on the fact that Fiji's financial situation has not spiraled out of control, as feared earlier in the year. Tourism remains weak but has not suffered the catastrophic drop some might have feared. Curry said S&P gives Fiji its lowest possible score for political stability. The agency remains concerned that political factors could inhibit economic recovery. For now, however, S&P believes Fiji is in a weak but stable financial position.

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